

Option #	Option Description	Pro	Con	Unknown Factors
1	EPA develops multiple TMDLs (1 for each State); States issue the TMDLs for their jurisdictions.	<ul style="list-style-type: none"> Regulatory Certainty increased. Levels the playing field between jurisdictions. Consistent with originally stated EPA objective. States can develop interstate implementation plans; nutrient trading programs. Encompasses Lake Tenkiller. Administratively continued permits can be reissued. 	<ul style="list-style-type: none"> Potential for Chesapeake Bay-type legal challenge. Unclear if either State or Cherokee Nation would support. 	<ul style="list-style-type: none"> Status of Arkansas Trading Program. Status of OK WQS revision to implement joint study finding.
2	EPA assists Cherokee Nation, Oklahoma, and Arkansas agencies to enter Third Statement of Joint Principles and Actions (MOU)	<ul style="list-style-type: none"> Consistent with OK and AR history of using MOUs. Cooperative Federalism: Keeps AR and OK in the lead. Encourages innovation and flexibility. 	<ul style="list-style-type: none"> No regulatory certainty. Inconsistent with originally stated EPA objective. Might not result in improved water quality. Cherokee Nation has not been party to earlier MOUs 	<ul style="list-style-type: none"> Status of Arkansas Trading Program. Status of OK WQS revision to implement joint study finding.
3	EPA issues single TMDL for entire watershed	<ul style="list-style-type: none"> Consistent with originally stated EPA objective. OK and Cherokee Nation prefer. Encompasses Lake Tenkiller. Administratively continued permits can be reissued. 	<ul style="list-style-type: none"> Potential for Chesapeake Bay-type legal challenge. AR would not support. Not in alignment with Cooperative Federalism 	<ul style="list-style-type: none"> Status of Arkansas Trading Program. Status of OK WQS revision to implement joint study finding.
4	EPA develops TMDL for OK to issue; AR develops and implements WBP	<ul style="list-style-type: none"> Partially consistent with originally stated EPA objective. Encompasses Lake Tenkiller. AR would support. 	<ul style="list-style-type: none"> Potential for Chesapeake Bay-type legal challenge. OK would not support. Unclear if Cherokee Nation would support. Not clear whether permits would be reissued, or what appropriate limits might be. WBPs are non-regulatory. 	<ul style="list-style-type: none"> Status of Arkansas Trading Program. Status of OK WQS revision to implement joint study finding.
5	EPA works with both States to develop a watershed-wide WBP.	<ul style="list-style-type: none"> Unlikely to prompt Chesapeake Bay-type legal challenge. Cooperative Federalism 	<ul style="list-style-type: none"> Unclear whether OK or Cherokee Nation would support. Unclear whether permits would be reissued, or what appropriate limits might be. 	<ul style="list-style-type: none"> Status of Arkansas Trading Program. Status of OK WQS revision to implement joint study finding.